

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHARLOTTE BUSH,

Plaintiff,

v.

CASE NO. 06-10684
HON. LAWRENCE P. ZATKOFF

CHIPPEWA VALLEY SCHOOL DISTRICT,

Defendant.

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIMS

Plaintiff filed her Complaint on February 16, 2006. Plaintiff's Complaint contains the following four counts:

- Count I Sexual Harassment in Violation of the Elliot Larsen Civil Rights Act;
- Count II Violation of the Family Medical Leave Act;
- Count III Violation (Retaliation) of the Family Medical Leave Act; and
- Count IV Retaliation in Violation of the Elliot Larsen Civil Rights Act.

See Complaint.

The Court has subject matter jurisdiction over Count II and III, because they arise under federal law. *See* 28 U.S.C. § 1331. Counts I and IV, however, are based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1367(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1367(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims in this matter. The Court finds that the contemporaneous presentation of Plaintiff's parallel state claim for relief will result in the undue

confusion of the jury. *See* 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state law claims of Sexual Harassment and Retaliation (Counts I and IV) are hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claims (Count II and III).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: March 13, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on March 13, 2006.

s/Marie E. Verlinde

Case Manager

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